

1 DOWNEY BRAND LLP  
 2 ANTHONY L. VIGNOLO (Bar No. 203933)  
 3 JENNIFER L. WILLIAMS (Bar No. 261037)  
 4 KARINA R. STANHOPE (Bar No. 307147)  
 5 621 Capitol Mall, 18th Floor  
 6 Sacramento, CA 95814-4731  
 Telephone: 916.444.1000  
 Facsimile: 916.444.2100  
 avignolo@downeybrand.com  
 jwilliams@downeybrand.com  
 kstanhope@downeybrand.com

7 Attorneys for Plaintiff  
 8 STILLPATH RETREAT CENTER LLC

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12  
 13 STILLPATH RETREAT CENTER LLC,  
 14 Plaintiff,  
 15 and  
 16 AMERICAN ADDICTION CENTERS,  
 17 INC.,  
 18 Plaintiff-Intervenor,  
 19 v.  
 20 COUNTY OF SAN MATEO,  
 21 Defendant.

Case No. 3:15-cv-01386-MMC

**DECLARATION OF RAYMOND BLATT  
 IN SUPPORT OF PLAINTIFF'S MOTION  
 FOR PARTIAL SUMMARY JUDGMENT**

Date: February 17, 2017  
 Time: 9:00 a.m.  
 Dept.: 7  
 Judge: Honorable Maxine Chesney  
 Trial: April 10, 2017  
 Filed: March 25, 2015

22 I, Raymond Blatt, declare:

23 1. I am a representative of Stillpath Retreat Center LLC ("Stillpath") whose is the  
 24 Plaintiff in the above-captioned lawsuit. I have personal knowledge of the facts stated in this  
 25 declaration, and I would testify to these facts if called upon to do so.

26 2. In 2013, on Stillpath's behalf, I began negotiations to purchase property located on  
 27 Skyline Boulevard (the "Property") in San Mateo County (the "County") with the intention of  
 28 using the Property as a residential non-medical treatment facility for individuals recovering from

DOWNEY BRAND LLP

1 drug and alcohol addiction pursuant to California Health & Safety Code §§ 11750 *et seq.* On  
2 February 7, 2014, Stillpath officially closed escrow on the Property.

3 3. During Stillpath's due diligence process for the proposed purchase of the Property,  
4 I met with County Senior Planner Michael Schaller ("Schaller") to discuss the proposed use. In  
5 particular, pursuant to conversations I had with the California Department of Alcohol and Drug  
6 Programs in 2013, I told Schaller that I learned that Stillpath could not obtain a license to run a  
7 treatment facility until it had local approval. It was not until 2014 that, due to the Department of  
8 Alcohol and Drug Programs being collapsed into the Department of Health Care Services, a rule  
9 change allowed me to obtain a license even without local approval. Thus, in October 2014, I  
10 applied for a license for Stillpath. And, in June 2015, Stillpath was granted a license valid  
11 through May 31, 2017.

12 4. I later received an email from Schaller confirming that the Planning Department  
13 had determined that the proposed use was compatible with the existing use permit for the  
14 Stillheart Institute. A true and correct copy of this email is submitted as **Exhibit 8** in support of  
15 Stillpath's Motion for Partial Summary Judgment. Thereafter, Schaller advised he could not  
16 provide written confirmation of the compliant use in a manner more formal than an email. Thus,  
17 I decided to proceed with filing an application for an amendment to the conditional use permit.

18 5. Accordingly, on July 29, 2013, on Stillpath behalf, I filed its application to change  
19 the use of the Property, without any physical changes being proposed, from a retreat facility to a  
20 treatment facility. A true and correct copy of that application is submitted as **Exhibit 20** in  
21 support of Stillpath's Motion for Partial Summary Judgment.

22 6. J.R. Rodine ("J.R."), a former member of the County's Planning Commission, had  
23 previously served as the consultant for Stillheart's land use matters and was recommended by  
24 Stillheart to me to provide assistance to Stillpath with respect to the application process. J.R.  
25 would periodically provide me with detailed invoices for his help. True and correct copies of  
26 relevant billing invoices I received are submitted as **Exhibit 29** in support of Stillpath's Motion  
27 for Partial Summary Judgment.

28 ///

DOWNEY BRAND LLP

1           7.       A true and correct copy of the most recent renewal of the Property's conditional  
2 use permit, which was approved in October 2011 and is a part of the administrative record, and  
3 which includes the conditions of the conditional use permit, is submitted as **Exhibit 12** in support  
4 of Stillpath's Motion for Partial Summary Judgment.

5           8.       In December 2013, I received from the County Planning Staff a copy of the  
6 "Supplemental Staff Report" submitted to the Planning Commission prior to its continued hearing  
7 on the Amendment scheduled for December 11, 2013. A true and correct copy of that report,  
8 including attachments, which the County produced and which is a part of the administrative  
9 record, is submitted as **Exhibit 45** in support of Stillpath's Motion for Partial Summary  
10 Judgment. Among other things, attached to that report as Attachment C is a letter I sent on  
11 November 23, 2013, to the Planning Commission detailing Stillpath's fire safety and smoking  
12 policy.

13           9.       In January 2014, I received from the County Planning Staff a copy of the  
14 "Supplemental Staff Report" submitted to the Planning Commission prior to its continued hearing  
15 on the Amendment scheduled for January 22, 2014. A true and correct copy of that report,  
16 including attachments, which Stillpath produced and which is a part of the administrative record,  
17 is submitted as **Exhibit 46** in support of Stillpath's Motion for Partial Summary Judgment.

18           10.      After the County Planning Commission approved the Amendment at the hearing  
19 on January 22, 2014, the County sent me a letter acknowledging the approval, and including the  
20 findings and conditions of approval. A true and correct copy of that letter, with attachments,  
21 which is a part of the administrative record, is submitted as **Exhibit 47** in support of Stillpath's  
22 Motion for Partial Summary Judgment.

23           11.      In February 2014, I received a copy of the Community of Interested Neighbors'  
24 January 30, 2014, appeal of the County Planning Commission's January 22, 2014, approval of the  
25 Amendment. A true and correct copy, including attachments, of that appeal, which the County  
26 produced and which is a part of the administrative record, is submitted as **Exhibit 48** in support  
27 of Stillpath's Motion for Partial Summary Judgment.

28 ///

DOWNEY BRAND LLP

12. In February 2014, I also received a copy of the Skyline Neighborhood Coalition's January 31, 2014, appeal of the County Planning Commission's January 22, 2014, approval of the Amendment. A true and correct copy, including attachments, of that appeal, which the County produced and which is a part of the administrative record, is submitted as **Exhibit 49** in support of Stillpath's Motion for Partial Summary Judgment.

13. In March 2014, I received from the County Planning Staff recommendations dated March 17, 2014, which were provided to the Board of Supervisors ("Board") via inter-departmental correspondence prior to the March 24, 2014, Board's hearing. A true and correct copy, including attachments, of those recommendations, which the County produced and which is a part of the administrative record, is submitted as **Exhibit 17** in support of Stillpath's Motion for Partial Summary Judgment.

14. On March 24, 2014, I attended the Board's hearing regarding the appeals of the Amendment. A true and correct copy of a transcript of the hearing, which is a part of the administrative record, is submitted as **Exhibit 37** in support of Stillpath's Motion for Partial Summary Judgment.

15. In March 2014, I received from the County a "Final Letter of Decision" dated March 27, 2014, which stated that the Board of Supervisors had granted the appeals and denied the Amendment. A true and correct copy of that letter, including attachments, is submitted as **Exhibit 38** in support of Stillpath's Motion for Partial Summary Judgment.

I declare under penalty of perjury according to the laws of the United States of America that the foregoing is true and correct.

Executed this 13th day of January 2017 at Stockton, California.

  
 RAYMOND BLATT